

Notice of Allowability

Application No.

10/625,937

Examiner

Darwin P. Erez

Applicant(s)

LEBNER, MICHAEL

Art Unit

3731

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 6/28/06.
2. ☒ The allowed claim(s) is/are 1, 3-18 and 20-34.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with James McAleenan on 9/15/06.

The application has been amended as follows:

IN THE CLAIMS:

Replace claims 1, 12, 18 and 29 with the following:

Claim 1. (Currently amended) A two-component device for closing a laceration or incision, comprising:

- a) a first component comprising a first adhesive-backed anchoring member and one or more first connecting members extending from one edge thereof in a first direction, the one or more first connecting member each having a width that is substantially greater than their thickness;
- b) a second component which is separate and distinct from the first component, the second component comprising a second adhesive-backed anchoring member and one or more second connecting members extending from one edge thereof in a second direction generally opposite to the first direction, the one or more second connecting member each having a width that is substantially greater than their thickness; and
- c) adhesive for attaching the one or more first connecting members to the second adhesive-backed anchoring member and adhesive for attaching the one or more second connecting members to the first adhesive-backed

anchoring member, the attachment of the one or more first and second connecting members to the first and second adhesive-backed anchoring members form attached and bridging portions of the one or more first and second connecting members, such that the attached portions are attached to the first and second adhesive-backed anchoring members, and the bridging portions span over the laceration area between the first and second adhesive-backed anchoring members, wherein:

- i) the adhesive is applied to at least a portion of a lower surface of the one or more first and second connecting members, ~~such that the one or more first and second connecting members each have a width that is substantially greater than their thickness;~~ and
- ii) the lower surface of the bridging portion is substantially free of the adhesive.

Claim 12. (Currently amended) The two-component device of Claim 1 wherein the adhesive applied to the portion of the lower surface of the one or more first and second connecting members is protected by a first and a second release liner, the first release liner protecting the adhesive along the edge from which the one or more first and second connecting members extend, and the second release liner protecting the ~~the~~ adhesive along a length of the edge of the respective adhesive-backed anchoring member which is generally opposite the edge from which the one or more first and second connecting members extend.

Claim 18. (Currently amended) A method for closing a laceration or incision, the method comprising:

- a) providing a two-component device for closing a laceration or incision, comprising:
 - i) a first component comprising a first adhesive-backed anchoring member and one or more first connecting members extending from one

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edge thereof in a first direction, the one or more first connecting member each having a width that is substantially greater than their thickness;

- ii) a second component which is separate and distinct from the first component, the second component comprising a second adhesive-backed anchoring member and one or more second connecting members extending from one edge thereof in a second direction generally opposite to the first direction, the one or more second connecting member each having a width that is substantially greater than their thickness; and
- iii) adhesive means for attaching the one or more first connecting members to the second adhesive-backed anchoring member and means for attaching the one or more second connecting members to the first adhesive-backed anchoring member, the attachment of the one or more first connecting members and the one or more second connecting members to the second and first anchoring members, respectively, forming attached and bridging portions of the one or more first and second connecting members, the attached portions being attached to the respective first and second adhesive-backed anchoring member, and the bridging portions spanning the over-laceration area between the first and second adhesive-backed anchoring members, wherein:
 - (1) the adhesive is applied to at least a portion of a lower surface of the one or more first and second connecting members, ~~such that the one or more first and second connecting members each have a width that is substantially greater than their thickness;~~ and
 - (2) the lower surface of the bridging portion is substantially free of adhesive;
- b) attaching the first and second components to at least a portion of skin on opposite sides of the laceration or incision, the edge of the first and second components from which the one or more first and second

- connecting members extend being the edge closest to the laceration or incision;
- c) closing the laceration or incision by adjusting a position of the first and second adhesive-backed anchoring members relative to each other in both an X and a Y dimension; and
 - d) fixing the relationship between the first and second adhesive-backed anchoring members established in step c) by attaching the one or more first connecting members to the second adhesive-backed anchoring member, and the one or more second connecting members to the first adhesive-backed anchoring member.

Claim 29. (Currently amended) The method of Claim 18 wherein the adhesive applied to the portion of the lower surface of the one or more first and second connecting members of the first and second adhesive-backed anchoring members each are protected by a first and a second release liner, the first release liner protecting the adhesive along the edge from which the one or more first and second connecting members extend, and the second release liner protecting the the adhesive along a length of the edge of the respective adhesive-backed anchoring member which is generally opposite the edge from which the one or more first and second connecting members extend.

2. The following is an examiner's statement of reasons for allowance:

The prior art of record fails to teach or render obvious a two-component device for closing a laceration or incision, comprising inter alia, a first component that is separate and distinct from a second component; wherein the first component and the second component comprises connecting members having a width that is substantially greater than their thickness, and bridging portions that have a lower surface that is substantially free of the adhesive.

The examiner's amendment was done to more clearly define the invention over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darwin P. Erez who's telephone number is (571) 272-4695. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anh Tuan T. Nguyen can be reached on (571) 272-4963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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ANH TUAN T. NGUYEN
SUPERVISORY PATENT EXAMINER

2/12/02